

REMARKS

Claims 1-23 and 25 are pending in the present application. Claim 24 has been canceled.

Restriction Requirement

The Examiner has required election in the present application among:

Group I, claims 1, 4, 6, 8-14, 17, 21, and 24, drawn to a method and apparatus for performing a multiple sub-carrier modulation between first and second radio stations in which the second radio station selects only sub-carriers capable of providing a transmission rate not less than a predetermined value;

Group II, claims 2, 19, 10, 21, and 22, drawn to a method and apparatus of detecting power, notifying the detected power information, and determining a sub-carrier based upon a reception power;

Group III, claims 5 and 7, drawn to the step of allotting a modulation level in a method and apparatus of providing multiple modulations between the first and second radio stations; and

Group IV, claim 3, drawn to the above method but the first and second radio stations sharing the same frequency .

For the purpose of examination of the present application, Applicants elect, without traverse, the above Group I, claims 1, 4, 6, 8-14, 17, and 21.

Amendments to the Claims

- (a) The Examiner states that claims 15 and 16 are confusing.

Claims 15 and 16 have been amended to depend from claim 1 (elected invention) to clarify the invention.

The Examiner is respectfully requested to include claims 15 and 16 as being directed to the elected invention.

- (b) With regard to claims 3, 6, 7, 20, and 24-25, the Examiner states that the term “share the same frequency” does not make sense, since the base station and the mobile station inherently share the same frequency.

Claim 6, directed to the elected invention, has been amended.

- (c) Further, minor changes have been made to the claims, directed to the elected invention, to place them in better form for U.S. practice.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi, Registration No 40,417 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☒ Attached is a Petition for Extension of Time.
- ☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

for By:  (reg # 40,419)
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